

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: ) I hereby certify that this paper is being filed  
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Group Art Unit: 2169 ) Reg. No. 57,993  
Examiner: Miranda Le )  
)

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

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Commissioner for Patents  
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Sir:

The Applicants are filing herewith a Notice of Appeal and respectfully request review of this case prior to filing an appeal brief. The rejections and the responses made in the Final Office action and Advisory Action are based on errors. Thus, the Applicants respectfully request reversal of the rejections and reopening of prosecution and/or allowance of the claims.

**I. Status of the Claims**

Claims 1-25 and 29-33 stand rejected and form the subject of this pre-appeal brief.

**II. Issues on Appeal**

The issue on appeal is whether independent claims 1 and 14 (and the claims depending therefrom) are anticipated under 35 U.S.C. § 102(e) by Bobo et al. (US 6,564,321).

### III. Argument

Claim 1 recites a method comprising, *inter alia*, receiving a first communication message from a first communication device associated with a first user, using a received XML tag from the first message to identify a second communication message stored in one of a first database or a second database, converting the first communication message into a converted message having a format associated with the one of the first or second database that stores the second communication message, and causing the converted message to be stored in one of the first or second database that stores the second XML-based communication message.

The rejections at issue are based on Bobo. Bobo is directed to a system for storing received communication messages in a single database and allowing access to the communication messages via the internet. (Bobo, Abstract).

The Advisory Action mailed on August 5, 2008, bases the rejection on a contention that the claimed first communication message can be equated to the “hypertext browser” of Bobo. (Advisory Action, Page 2, line 23). The Applicants presume that the Examiner intends to equate a user request made via the hypertext browser of Bobo with the claimed first communication message. However, this contention is clearly in error. Bobo does not describe or suggest that a hypertext browser request would or should be stored in a database. In contrast, the requests of Bobo are processed to identify data to be retrieved from the database but are not, themselves, stored in the database. (Bobo, Col. 8, lines 25-49). Further, Bobo provides no motivation for such storage because Bobo does not suggest that requests would need to be available at a later time. Accordingly, it is clear that, while Bobo stores messages (e.g., voice messages or facsimile messages) in a database, Bobo does not receive XML tags from a message. Furthermore, Bobo does not use an XML tag from a received first communication message to locate another database for storage of that first

communication message in the located database. Therefore, the rejection based on this contention is in error.

The Final Office action mailed on April 29, 2008, was also in error with respect to Bobo as the Applicants explained in the Response to the Office action dated June 30, 2008. In particular, Bobo does not describe using a received XML tag from the first message to identify a second communication message stored in one of a first database or a second database as recited in claim 1. Bobo describes a system in which voice messages and fax messages received at a telephone number are collectively stored for access by an intended recipient. (Bobo, Abstract). The portion of Bobo cited in the Final Office action for the aforementioned recitation of claim 1 (Bobo, col. 13, lines 14-60) merely describes storing information about messages in a mark-up language format without describing use of the tags for identifying a second message stored in a database.

While Applicants are unable to locate a specific description as to how Bobo identifies a second message (e.g., groups messages for the same intended recipient), it is surmised from FIG. 11 of Bobo, that no grouping operation is necessary because messages are received at a single destination telephone number. FIG. 11 of Bobo illustrates how an incoming call can be analyzed to determine if the call is associated with a facsimile message or a voice telephone call. In such a system, the grouping of messages is unnecessary because it can be presumed that all communications to a particular destination telephone number are for the same intended recipient. Therefore, there would be no motivation for one of ordinary skill to modify Bobo to include identifying a second message based on a tag.

Further, Bobo does not describe using a received XML tag from the first message to locate a database in which to store the first message as recited in claim 1. Rather, Bobo describes converting messages that are received to a standard generalized mark-up language after a message has been stored in a database and the customer has been notified. Accordingly, if Bobo identifies a second message for identification of a database in which the

store the message, Bobo must perform such analysis prior to conversion of the message. Therefore, Bobo cannot describe using a received XML tag from a first message to identify a second communication message stored in one of a first database or a second database.

Therefore, it is clear that for at least the forgoing reasons, the rejection of claim 1 based on Bobo is in error. Furthermore, it is respectfully submitted that the rejections of claim 14 and all claims depending therefrom are in error for at least the reasons provided in conjunction with claim 1. Accordingly, the Applicants respectfully request that the rejections be withdrawn. Reconsideration of all claims is respectfully requested.

### **Conclusion**

In view of the foregoing, the Applicants respectfully submit that independent claims 1 and 14 and all claims dependent thereon have been improperly rejected. Accordingly, the Applicants respectfully request reversal of the rejections and respectfully submit that all claims are in condition for allowance. Reconsideration of this application is respectfully requested.

Respectfully submitted,

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